

HOW JUDGE ESTEE WAS OVERRULED

Referee Fleming Appoints Experts to Appraise Property.

COURT DISAPPROVES IRREGULARITY

WRIT OF INJUNCTION ISSUED TO H. A. JEN AND WIFE IN LAZARUS SUIT.

Reply Brief of Hatch & Silliman in Honolulu Plantation Case—Motion for Bill of Particulars—Joiner in Demurrer—Paulo Lano's Demurrer Set for Hearing.

On the application of Attorney Wade Warren Thayer in the United States District Court yesterday morning Judge Estee appointed W. H. Johnson, P. H. Burnett and C. R. Hemmway appraisers to appraise the real property of J. T. Schneider, bankrupt. It developed that Referee Fleming had appointed two appraisers to do the work.

Judge Estee reminded the attorney of a previous ruling that appraisers must be appointed by the court, to report to the court. It turned out that the appraisers appointed by Referee Fleming had been chosen as experts and had completed their work. The court declared that such proceedings were not in accordance with the statutes and such irregularities could not be endorsed. It was a case of the referee overruling the court.

Attorney Thayer Explains.

Attorney Thayer explained to the court that the appraisers in question were appointed before the court had made an order in that regard. Judge Estee said, however, that that made no difference and that the court would not approve of anything not done in conformity with the bankruptcy law.

Referee Fleming was the subject of much good natured raillery in the Judiciary building yesterday and was received by numbers of his friends as one who had "overruled" the United States District Court.

Judge Silliman's Brief.

Hatch & Silliman's reply brief in the Pearl Harbor land condemnation case of the United States against the Honolulu Plantation Company is, in part, as follows:

The verdict was probably unsatisfactory to both parties to this litigation. Defendant felt it should receive a larger sum and believed evidence required a verdict in the amount claimed, \$200,000.

Plaintiff called but two witnesses on the question of value, and to one of those witnesses a hypothetical question was put in no way justified by the situation of the land as it actually existed. The question assumed that there was no mill in connection with the land and that there was no water supply and expressly stated that the witness must assume that the only visible source of water supply was a single artesian well, and the witness was asked what would be "a fair price to pay, a fair market price to pay, for that strip of land." The question was manifestly argumentative and unfair in its assumptions.

As to the other witness. An obvious effort was made by counsel for plaintiff to force a certain valuation upon him which he refused to assent to, but counsel now assumes, in violation of the whole record that the witness testified to a valuation which he never admitted and which he flatly denied. Counsel says that Mr. Herbert testified that the valuation of the land was \$75 per acre for 342 acres, and \$25 for the remaining 219, but an examination of the transcript will show that counsel was mistaken. Is it not significant that only two witnesses, having no special qualifications, were called by the Government on the question of value.

Injunction Writ Issued.

A writ of injunction has been issued by H. A. Jen and his wife, Esther P. Jen, in the cancellation and accounting suit brought by Kaulimakeale Lazarus. The First Circuit Court commands that respondents refrain from disposing of their property.

It has been stipulated that petitioner may file an amended bill of complaint and that defendants may have ten days thereafter in which to plead. Bond of indemnity upon the granting of the writ of injunction has been filed by Kaulimakeale Lazarus, as principal, and Joseph Clark, as surety.

Wants Bill of Particulars.

Defendant in the assumption case of

John Stephenson against John De Greaves has filed a motion for bill of particulars and affidavit by his attorney, T. McCants Stewart.

Joiner in Demurrer.

Plaintiff in the case of Refina Vieira against Louisa F. Mendonca, bill for dissolution of partnership, by her attorney, A. G. Correa, files joiner in demurrer, saying that the declaration and the matters therein stated are sufficient in law for the plaintiff to have and maintain her action against defendant.

Set for Hearing.

Latest Foreign News Condensed

The Barcelona strikes have been renewed.

Russia has barred the entry of American paper.

A big new tourists' hotel is to be built at Santa Barbara, Cal.

The government of Chile is desirous of securing Boer immigrants.

Preliminary work on Los Angeles, Cal., new theater has been begun.

Henry C. Payne took the oath of office, Jan. 14th, as Postmaster General.

The New York Central Railroad is to materially increase its capital stock.

The Santa Fe Railroad will spend many millions on roadbed and equipment.

The reports from China show an unsettled condition of affairs in that country.

Extensive and elaborate plans are being considered to beautify the Capitol at Washington.

The State Board of Equalization of Illinois has increased the assessment roll \$187,000,000.

Judge Grosscup, of Chicago, has ruled that cities can control the price of gas and other utilities.

A British transport loaded with mules for South Africa is said to have foundered in the Gulf of Mexico.

The United States government has taken steps toward the establishment of a permanent exposition at Shanghai, China.

William Fife of Fairlie, on the Clyde, England, is to build Sir Thomas Lipton's next challenger for the America's cup.

Secretary Hay has sent to the House of Representatives a request for a legislation building at Seoul, Corea, to cost \$40,000.

Massachusetts is one of the only five states in the Union in which no lynchings have occurred during the last sixteen years.

Rear Admiral Robley D. Evans has been selected to prepare the naval program for the reception of Prince Henry, of Germany.

King Edward is said to have given endorsement to the belief that an early declaration of peace in South Africa may be anticipated.

Two libel suits for damages aggregating \$20,000 were begun at Vancouver, B.C., Jan. 15, in the American courts against the steamer "Rosalie" and her owners.

Oscar Hammerstein threw a bombshell into the camp of the "theatrical syndicate" of New York, by leasing the Theater Republic to David Belasco.

John W. Gates of Chicago has been playing poker again, and this time he did not win. He dropped \$25,000. The game was at the Waldorf-Astoria, in New York.

King Edward has pleased the Welsh people immensely by directing "that there be added to the achievement

of the Prince of Wales the badge of the Red Dragon."

Oscar S. Strauss of New York, formerly United States Minister to Turkey, has been appointed as a permanent member of the Committee of Arbitration at The Hague.

The trolley is invading the sacred shrines of the Bible, the Koran and the Vedas, and the day of picturesque pilgrim caravans and the ships of the desert is apparently passing.

An atrocious act of vandalism committed in South Africa on Christmas night was the destruction of the Taal monument at Burgersdorp, a town in the disturbed district in Cape Colony.

The Senate Committee on Commerce has agreed to report favorably on the Nelson bill creating a new executive department to be known as the Department of Commerce.

The Spanish War Department has promulgated an order prohibiting army officers from marrying unless they are 25 years old or upward and enjoy an income equal to the pay of a captain—about \$50 per month.

Lester Hanover was fined \$1000 by Judge Pollard, Jan. 15, in the First District Police Court of St. Louis, Mo., on a charge of disturbing the peace of Mary Institute schoolgirls.

Mrs. Hannah C. Sprinkle, residing eight miles north of Pana, Ill., has found a source of profit in being divorced. She has been married twice, divorced twice and allowed alimony both times, to the extent of \$15,000 all inside of two years.

When the Transiberian Railroad was begun it was estimated that its cost would reach \$50,000,000. It has already absorbed \$50,000,000, and it is now believed that the total cost will reach 1,000,000,000 roubles.

Prince Ukhtomsky, head of the Russo-Chinese Bank, has declared the three alleged secret documents communicated to the Times, January 23, by Dr. Ular, a prominent student of Chinese affairs, to be "a bad joke from beginning to end."

The death of the Pope may be expected any day, as his holiness can only be said to be just alive.

Ten miners lost their lives in the explosion Jan. 15 in mine No. 9, of the Milby & Dow Mining Company, at Dow, I. T.

A brakeman who had both his legs cut off in a railroad accident near Emporia, Kas., last September, settled with the company on the basis of being taught telegraphy at its expense, receiving employment for life and being provided with a pair of artificial limbs.

A Cure for Lumbago.

W. C. Williamson, of Amherst, Va., U. S. A., says: "For more than a year I suffered from lumbago. I finally tried Chamberlain's Pain Balm and it gave me entire relief, which all other remedies had failed to do." Sold by all dealers and druggists. Benson, Smith & Co., agents for Hawaii.

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Use the Oliver Typewriter, modern up-to-date machine, fitted with all the latest improvements. Wall, Nichols & Co.

A cozy arm-chair makes a comfortable evening at home, our stock is a large and varied one. The Coyne Furniture Co.

When you require a good plumber at the house, telephone Waite 991. Oscar Sellers, Beretania street.

The S. S. Californian will sail for Honolulu on or about January 25th, the American about March 15th.

At the Beaver Lunch Rooms you can always depend on obtaining a good tasty lunch. H. J. Nolte, prop'r.

Wheels are hard things and dirty to repair, don't waste time on yours, bring it in to C. A. Cowan, Union street.

Friends of Messrs. E. R. Bath and H. W. Barth are requested to read their public statement printed in this issue.

John A. Hassinger, agent to grant marriage licenses, notary public. Office in Macfarlane & Co's Kaahumanu street.

Our hot lunch at 12 o'clock every day is putting the restaurants out of business, only 10 cents. The Cambrinus Saloon.

Messrs. Wm. F. Wilson Co., the leading plumbers of San Francisco have located a branch office here in the Alexander Young building.

Complainant's demurrer in the case of Paulo Lano against Julia Achieu, bill to set aside and cancel deed, was yesterday set for hearing on Thursday, the 30th instant.

A New Citizen.

United States Judge Estee yesterday morning made Richard E. Hagemann, a subject of Germany, a citizen of the United States.

Marshal Has Money.

United States Marshal E. R. Hendry has the money to pay all Federal grand and petit jurors who served during the last term.

ADVERTISED LETTERS.

Remaining in the Honolulu Postoffice Up to January 18, 1902.

Allen, Mrs. Minner, Geo. Jr.
Amme, John F. Mitchell, Lewis M.
Atkinson, H. W. Miles, C. E.
Ayres, Mrs. T. E. Morse, Miss L. E.
Barnes, Grace Murphy, Thos.
Beaman, J. L. Mcintosh, G.
Bernard, Mrs. S. McCoskey, Jno.
Beck, Martin McDougal, W. P.
Bertleman, Pratt, Frank
Miss R. K. (2) Patsy, Annie
Bender, Ella Pettus, T. H.
Bowen, Mrs. G. A. Pickard, Mary K.
Boyle, Mrs. R. A. Porter, H. G.
Brundage, Jacob Potter, Jos.
Burnham, Dr. Powell, E.
Brunley, Mrs. M. B. Randall, Wm. A.
Brown, J. W. Rankin, Guy
Brown, Mrs. John Rench, M. C.
Carroll, Capt. F. W. Roberts, Clarence
Campbell, M. Sanford, Mrs. G. H.
Chapman, J. Shoemaker, Mrs. L.
Christley, Thos. Smith, Jas. K.
Christopher, Louise Spencer, G. R.
Clark, Al. Steele, Miss A.
Connon, Geo. W. Steward, Mrs. C.
Cole, Reginald J. Summers, Mrs. A.
Travis, J. S.
Thompson, Thos.
Toyle, Thos. E.
Toomis, L.
Von Gunther, W.
Wallace, John
Warran, Thos.
Ward, Rud. A.
Walton, H. P.
Walters, Mrs. G.
Waikamilo Camp
Whitney, Sadie M.
White, Chas. E.
Williams, Wm. and Mrs. F.
Wilson, J. H.
Hancock, Mrs. E.
Halverson, C. (2)
Hardee, M.
Haber, J. (2)
Hall, Mrs. Maria
Hermann, Jos.
Hines, Mrs. F. E.
Howe, A. W.
Hogan, J. G.
Jacobson, Fred
Jensen, Mrs. Peter
Johson, Thos.
Kennedy, Mrs. A.
Kinney, C.
Kinney, Ruben
Kiddler, Joseph
Kilz, Admiral
Kilz, Maj. Gen.
Knight, H. W.
Lamb, Miss N. E. 2
Lewis, Master M.
Long, Mrs. G. A.
Logan, James
Meese, Constant
Miles, Chas. E.
Miles, A.
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